

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DANA P. BROWN,

Plaintiff,

v.

ORDER  
10-CV-397

KEVIN BRUN, et al.,

Defendants.

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This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). Plaintiff filed a motion for a default judgment. On March 14, 2011, Magistrate Judge Scott filed an amended report and recommendation denying plaintiff's motion as prematurely filed.

Plaintiff filed objections to the Report and Recommendation on March 21, 2011.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion is denied.

The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: March 24, 2011